



**CITIZENS' REVIEW BOARD ON  
POLICE PRACTICES  
Annual Report 2002**

**CITY OF SAN DIEGO**

**CITIZENS' REVIEW BOARD ON POLICE PRACTICES**

**ANNUAL REPORT**

**JANUARY - DECEMBER 2002**

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Patrick A. Hunter - First Vice Chair  
Ray Killens - Second Vice Chair  
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Scott D. Fulkerson, Executive Director

CITY OF SAN DIEGO  
CITIZENS' REVIEW BOARD ON POLICE PRACTICES  
ANNUAL REPORT - JANUARY THROUGH DECEMBER 2002

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## INTRODUCTION BY THE CHAIR

This report provides an explanation of the Citizens' Review Board on Police Practices (CRB) procedures, a brief history of its accomplishments and a statistical representation of the Board's deliberations and decisions for 2002.

The statistics presented in the body of this report are a product of the unique model under which the Board operates. Our unfettered access to the investigations and investigative processes of the San Diego Police Department's Internal Affairs Unit, Professional Standards Unit, and Homicide Division empowers the CRB to conduct a thorough review of complaints, shootings, and in-custody deaths while gaining an intimate understanding of the depth of commitment to which the SDPD polices itself and upholds the rights of the citizenry it is sworn to protect and serve.

As my term as Chair of the CRB draws to a close, I extend my heartfelt gratitude to each member and prospective member for their selfless dedication to our mission. The Board experienced a 26% turnover in membership in 2002 with the appointment of Norberto J. Cisneros, Thomas Ferran, Nancee S. Schwartz, Fred Sotelo, Crystal C. Trull and George F. Yee and the departure of Al M. De La Cruz, Arthur Hernandez, jr., Gina V. Sequerra, Corey Ueyji and Mr. Cisneros. The level of commitment each Board member demonstrates, in their volunteer capacity of reviewing, presenting, and deliberating cases, provides an invaluable service to the citizens of San Diego and its Police Department. That commitment was epitomized by Mr. Lonnie R. Parker, a Marine veteran of WWII and a dedicated CRB member for three and a half years, whose passing left a major space to fill at our table.

I extend a special thank you to the staff: Executive Director Scott Fulkerson and his assistant Elvia Sandoval as well as Deputy City Attorneys Sharon Marshall, Michael Rivo, and Catherine Billy without whose aid and assistance the Board could not function. To those members of the SDPD staff, who spend countless hours responding to the needs of our review teams, and have been instrumental in facilitating the training so vital to our understanding of police procedures and policies: Assistant Chiefs Adolfo Gonzales and Lou Scanlon; Captains Larry Moratto and Sarah Creighton; Lieutenants Walt Vasquez, Guy Swanger, and Gary Gollehon; and Detectives Tom Odaniell and Gaye Wagner, I extend a special vote of thanks on behalf of all of us.

Joseph R. DeNigro  
Chair

CITIZENS' REVIEW BOARD ON POLICE PRACTICES  
ANNUAL REPORT (January 1, 2002 - December 31, 2002)

## **BACKGROUND AND PROCEDURES**

The Citizens' Review Board on Police Practices (Review Board) was established in November 1988 as a result of the passage of Proposition G; the Board began its work July 1, 1989. The City Manager is charged with appointing 23 volunteer citizens to the Board for one (1) year terms beginning each July 1. The City Manager also appoints up to 23 citizens as non-voting "Prospective Board Members" who are trained for appointment to the Board as vacancies occur throughout the year. As part of its responsibilities to review and evaluate substantive (Category I) complaints brought by the public against officers of the City of San Diego Police Department, the Review Board publishes annual reports which present statistics on the number of complaints filed, the types of allegations, the findings of the Police Department's Internal Affairs Division investigations, and the Review Board's findings. The Board also makes a semi-annual report to the City Manager discussing its accomplishments, activities and concerns.

Category I allegations include force, arrest, discrimination, slurs, and criminal conduct. If alleged in conjunction with Category I complaints, the Board also reviews allegations in the areas of procedure, courtesy, conduct and service. These complaints are classified as Category II, and when filed alone, are evaluated solely by the Police Department and are not reviewed by the Board.

Citizens may file a complaint with the Review Board's staff, at designated community agencies or at City Community Service Centers as well as at any Police Department Substation or at Police Headquarters. All complaints, wherever they originate, are sent to the Internal Affairs Division of the Police Department.

When a Category I complaint is received by Internal Affairs, it is assigned to one of its Sergeants for investigation. (Category II complaints are investigated by supervisors in the police division where the subject officer works.) The investigation includes interviews with the complainant, the subject officer and witnesses, and an examination of the physical evidence, if any. Internal Affairs considers each allegation in the complaint separately.

Once the investigation is complete, the Internal Affairs disposition on each allegation will be classified in one of the following ways:

- SUSTAINED The investigation produced sufficient evidence to find that the officer(s) did commit the alleged act(s) of misconduct.
- NOT SUSTAINED The investigation failed to produce sufficient evidence to find that the officer(s) did or did not commit the alleged act(s) of misconduct.
- EXONERATED The investigation produced sufficient evidence to find that the alleged act(s) occurred but was/were justified, legal and/or properly within Department policy.
- UNFOUNDED The investigation produced sufficient evidence to find that the officer(s) did not commit the alleged act(s) of misconduct.
- OTHER FINDINGS The investigation evidenced violation(s) of Department policies/procedures not alleged in the complaint.
- COMPLAINANT NON-COOPERATIVE (CNC) Internal Affairs attempted but could not make contact with the complainant in order to conduct a proper investigation; complainant is unwilling to cooperate with investigation; or complainant withdraws complaint.

After Internal Affairs renders its findings on the complaint, a three-member Review Board Team is called in to review the case. The entire Internal Affairs investigative file related to the complaint is made available to the Team Members. This includes originals of the complaint, video or audio tape recordings of interviews of witnesses and parties to the incident, and physical evidence that was considered. Internal Affairs interviews are taped with the permission of the complainant and witnesses to facilitate the Board's review. Team Members are required to conduct their work in the offices of the Internal Affairs Division to preserve the required confidentiality. In fact, even the notes made by the Team are left with the file in the Internal Affairs office.

The Team then prepares recommendations to the entire Review Board to either agree or disagree with Internal Affairs' conclusions. At least two of the three Members of the Review Team must review the complaint file before a recommendation is made to the Board. Two or more Members of the Team must concur in their recommendation or the case will be referred to another Team for review and recommendation. The Team will recommend that the Board, on each complaint allegation:

- Agree with Internal Affairs findings with no comment.
- Agree with Internal Affairs findings with comment.
- Disagree with Internal Affairs findings with comment.
- Request additional information from Internal Affairs in order to make a decision.

In closed session, the Board will come to one of these conclusions. The Board may agree with Internal Affairs findings but comment that the incident could have been handled differently. As well, the Review Board may disagree with Internal Affairs and comment on their differing conclusion or, the Board may simply agree with Internal Affairs. It is important to note, however, that the Review Board is not authorized to conduct independent investigations, does not have direct access to the complainant, officers or witnesses, and bases its evaluations and decisions solely on the investigative work of the Internal Affairs Division. The Board may, however, request that additional investigation be conducted to resolve unanswered questions. Following the Board vote on each case, the Board Chair sends a letter to all complainants informing them of the Board's review and findings regarding the allegations.

In those cases where the Board disagrees with Internal Affairs' findings on a complaint, and cannot resolve its differences with Police Department management, the Board Chair advises the City Manager of the issue and the Board's position. The Board Chair also advises the Manager of any substantive comments that the Board has made on individual cases, and suggests policy changes based on trends that have come to the Board's attention. The final resolution of the disagreement is then made by the City Manager.

With respect to the review of cases, all of the Review Board's work is confidential and must be conducted in closed session pursuant to California Government Code Section 53947 and California Penal Code Section 832.7. However, the Board does have the authority to report its findings and concerns as related to specific citizen allegations to the City Manager, the District Attorney, the Grand Jury, and any federal or state authority duly constituted to investigate police procedures and misconduct. Over the past 14 years, the Board has referred three (3) cases to the District Attorney, Grand Jury and/or the Department of Justice. The Board has also requested two (2) independent reviews by the City Manager since its inception.

When a complaint against an officer has been "Sustained", the Police Department imposes discipline. Internal Affairs reports the discipline to the Board and discusses any prior "Sustained" complaints of a similar nature

against the officer. The Executive Director records each Sustained allegation to ensure that Internal Affairs is notified of all discipline imposed as a result of these allegations. In cases where the Board comments on the disciplinary process, the City Manager and Police Chief are so advised. Ultimately, however, the final decision is within the authority of management, not the Review Board.

## **SUMMARY OF REVIEW BOARD ACTIVITIES**

During the past 15 years, the Board has reviewed hundreds of citizen complaints in closed session as required by California law, and conducted its regular business in public meetings on the fourth Tuesday of each month. To conduct its regular business, the Board is organized into Committees which report on issues that come under their jurisdiction as established by the City Charter. The Committees also propose activities or training to assist the Board in performing its responsibilities. Summary reports of these Committee activities for 2002 follow:

### **TRAINING COMMITTEE:**

The Training Committee continued its aggressive training programs during the 2002 Training Year for the Citizens' Review Board. Public Board meetings offered an excellent opportunity to conduct productive and informative sessions for both Board and Prospective Members. Additional training opportunities were made possible through the cooperative efforts of the Training Committee, the San Diego Police Department and the Regional Public Safety Training Institute.

Riley Gordon served as Chair of the Training Committee effective July 2002. Patrick Hunter continued as 1<sup>st</sup> Vice-Chair of the Board, but remained as a member of the Committee. Robert Platt and June Gottschalk also remained as committee members and actively participated in all Training Committee 2002 efforts.

In order to facilitate the Review Board's capacity to respond and effectively evaluate complaints made by citizens against the San Diego Police Department and address its other responsibilities, several training events were conducted during the period of January 1 through December 31, 2002. Specific areas of training presented to the Board were designed to:

1. Prepare current Prospective Board members to carry out the task of case review and provide additional training in case review and presentation to current members.
2. Provide current and prospective Board members a review and update on San Diego Police Department Practices and Procedures.
3. Provide information to the Board regarding policy recommendations to the Chief of Police and the City Manager.

Six training sessions and discussions were conducted during CRB Open Meetings regarding San Diego Police Department Policies and Procedures:

1. **Emergency Response** - Sergeant Carey Brooks and Officer Lance Dormann presented an overview of the San Diego Police

Department's Critical Incident Unit. This unit, which began in 1978, is rated among the top five in the country in preparedness. The presentation reviewed the objectives, duties and responsibilities and procedures of the unit.

2. **Street Gang Unit** - Sergeants Lori Bach and David Johnson and Detective Pat Murphy made a presentation on the operations of the San Diego Police Department's Street Gang Unit. They described the Unit's organization and work regarding street gangs. They also discussed the applicable law and the Unit's efforts to protect the community from criminal activity related to street gangs.
3. **Progressive Discipline** - Lieutenant Guy Swanger and Deputy City Attorney Sharon Marshall discussed the Department's Progressive Discipline program. They discussed the current system, issues it has presented and revisions that are under consideration. Several questions were raised by Board members and thoroughly discussed at this session.
4. **Crime and Disorder** - Lieutenant Guy Swanger gave an overview of the history and strategies of law enforcement from the late 1800s to the present. He discussed the historic and current tactics used by police in addressing issues of crime and disorder. Lieutenant Swanger reviewed the evolution of policing in the United States which led to the Department's current Community Oriented Policing practices.
5. **Officer Involved Shootings** - Lieutenant Walt Vasquez presented changes to procedures regarding officer involved shootings. These changes involved the sequence in which the Department's Shooting Review Board will do its work. The Board will key on issues of training, tactics and equipment. Their work will now come at the end of the review process.
6. **Professional Standards Unit** - Lieutenant Gary Gollehon discussed the history and current operations of the Professional Standards Unit. It was formed in 1991 to conduct internal investigations of serious officer misconduct. This Unit receives about 110 cases per year and when necessary conducts surveillance and sting operations. It utilizes the most current technology in order to accomplish its objectives.

**TRAINING RETREAT** - A Training Retreat attended by both Board and Prospective Members was held in October 2002 at the Bristol Hotel in downtown San Diego. The Retreat concentrated on a wide ranging discussion of issues and concerns among the Board Members. The Retreat gave Board Members an excellent opportunity to exchange ideas in order to improve the productivity and efficiency of the Board.

**RIDEALONGS** - The Training Committee provides a comprehensive listing of ridealong opportunities to Board Members. These



opportunities are compiled by Robert Platt and Detective Gaye Wagner of Internal Affairs. It provides Board Members an opportunity to accompany officers on their daily assignments and is a valuable tool for both the Board and the Department. The open session meetings continue to provide an opportunity for Board Members to report on ridealongs and emphasize the importance of engaging in them on a quarterly basis.

**MEMBERS' TRAINING REPORTS** - The quarterly Activity Report is provided to Board Members in an effort to simplify the reporting process and gain pertinent information regarding member activities. Patrick Hunter continues to monitor this information and analyze the activities of Board members throughout the year. An analysis of the data demonstrates the Board's commitment to this program and the cooperation the San Diego Police Department continues to provide.

**REGIONAL PUBLIC SAFETY TRAINING INSTITUTE** - Through the San Diego Police Department, the Institute offers Board Members training opportunities at the facility. The Training Committee encourages Board participation in on-going and special programs that are being developed for the Board. These activities enable Board Members to better understand the vigorous training regimen of the Academy and how officers are prepared to deal with situations on the streets of San Diego.

### **COMMUNITY OUTREACH AND PUBLIC RELATIONS COMMITTEE:**

The Community Outreach Committee was very active during the year responding to requests for information and presentations by various groups and organizations as well as charting a new direction for the work of the Committee.

Traditionally the Committee has confined its work and efforts to responding to requests from the community. While this policy has resulted in several presentations and information sessions each year, the members of the Committee felt this reactive method of community outreach was not sufficiently effective in informing the community about the Board's work. The Committee decided that a new, more pro-active policy of community outreach would better serve the public. Accordingly, lists of community groups and organizations which meet regularly were compiled and the Committee has initiated communications with these groups, offering to conduct informational presentations about the Board, its work and the process for becoming a member of the Board.

In order to facilitate this new direction, Committee Members have taken courses to learn the process of designing and using presentations employing Microsoft's Power-Point Program. Board Members Thomas Ferran, Loren Vinson and Patrick Hunter developed a Power-Point Presentation which will be used by volunteer members as the basis for informational presentations. The Committee Members will employ the Power-Point Presentation along with a question and answer format to better inform the public about the Board and its role.

The next step in the process will be accomplished in conjunction with the Training Committee. Volunteer Members will undergo training in using the new Power-Point presentation. Informational training sessions will help them become familiar and accustomed to the types of questions frequently asked by community groups and the information necessary in answering anticipated questions clearly and accurately.

While the Committee will pro-actively seek out groups which may be interested in hearing about the Board and its work, it will also continue to respond to requests for information from individuals and groups.

### **POLICY COMMITTEE:**

It is the responsibility of the Policy Committee to study policy and procedural issues and make recommendations to the full Board. The purpose of the Committee's recommendations is to facilitate the work of the Board, clarify the relationship between the Board and the San Diego Police Department, suggest policy reviews and, if appropriate, policy changes to the Department and encourage dialogue and communication between the Police Department, the Board and the public.

The Committee's work helps to insure that our citizens have a fair and effective means of registering and resolving complaints against officers whom they believe have executed their duties improperly. Moreover, policy recommendations initiated by the Committee are meant to produce long term systemic and procedural changes designed to help the San Diego Police Department better fulfill its mission of community oriented policing. This pro-active involvement of the Board in helping to develop police policy has lasting benefits for the Police Department and the citizens of San Diego.

Requests for changes in two San Diego Police Department policies regarding release of information to the Board were made during the reporting period. Both requests were agreed to.

1. Tapes of all homicide investigation interviews in officer involved shooting cases will be provided to review team members at their request.
2. The Internal Affairs Liaison to the Board will make monthly rather than yearly reports to the Board on the Department's Early Warning System.

### **RULES AND REGULATIONS COMMITTEE:**

The Rules and Regulations Committee of the Citizens' Review Board on Police Practices is responsible for the development of the By-Laws to guide the operations of the Board. Last modified in 1999, the By-Laws continued to effectively facilitate the work of the Board during 2002 and no changes were proposed or made.

The Committee membership has remained unchanged for this year. The current members are Dr. Nancy Acker, Chair; Attorney Nancee Schwartz and Dr. George Yee.

## **PUBLIC MEETING ISSUES**

During the year, the Board benefitted from nine (9) major training presentations conducted in conjunction with its public meetings.

3. Officer Sabin Abrams made a power point presentation on Search and Seizure Laws, including officer training requirements (Basic, P.O.S.T. and Advanced). He discussed Constitutional Law, 4<sup>th</sup> Amendment rights, Reasonable Suspicion, Probable Cause, Consensual Contacts, Searches, Use of Force, Detention, Pat Downs and Arrest.
4. Sgt. Carey Brooks and Officer Lance Dormann presented an overview of the San Diego Police Department's Critical Incident Unit. The unit is rated among the top five in the country preparedness. The unit was established in 1978 after the Pan Am Airplane crash in San Diego.
5. Lt. Bill Nelson conducted a discussion and demonstration of the training and deployment of the San Diego Police Department's Police Dogs. Canine units have been highly successful in defusing dangerous situations without serious injury or loss of life. The Department has the largest Canine Unit in the Country.
6. Sgt. Lori Bach, Dt. Pat Murphy, Dt. Bill Cahill and Sgt. Dave Johnson provided an overview and discussion of the procedures and operations of the Street Gang Unit.
7. Lt. Guy Swanger and Deputy City Attorney Sharon Marshall discussed the San Diego Police Department's Progress Discipline Program. They answered questions about the current system and review and revision process that was currently underway.
8. Lt. Guy Swanger presented an overview of the history of law enforcement in the United States from the late 1800's to the present. He emphasized the historic and current tactics used by police in dealing with issues of crime and disorder. He discussed the evolution of policing which has led the San Diego Police Department to its current Community Oriented Policing policies and practices.
9. Board Member Thom Ferran presented a new power point presentation about the history and status of the Board

that he produced for the Community Outreach Committee.

Board Members were invited to become familiar with the power point and its use in order to make informational presentations to public groups.

10. Lt. Walt Vasquez briefed the Board on changes made by the San Diego Police Department in the process and procedures it follows subsequent to Officer Involved Shootings. The major change which will impact the work of the Board is the sequence in which the Department Shooting Review Board will conduct its evaluation. The Shooting Review Board will now key on issues of training, tactics and equipment. The Shooting Review Boards review and analysis will now come at the end of the process to insure that complete and accurate information is provided in order to maximize lessons learned from shooting incidents.
11. Lt. Gary Gollehon reported to the Board on the history and operations of the Professional Standards Unit (P.S.U.) The unit was formed in 1991 to conduct internal investigations of officer misconduct of a serious nature.

The Board took the following actions during the reporting period:

- Members attended a seminar held by the City's newly established Ethics Commission. The seminar was designed to familiarize appointed officials with the Commissions work and standards for promoting and monitoring ethical conduct throughout City operations.
- Congratulated Elvia Sandoval, Complaint Coordinator, for receiving the City's Diversity Distinction Award. The award recognizes effort and achievement in promoting respect for the diverse workforce and citizenry of San Diego.
- Under the leadership of 1<sup>st</sup> Vice Chair Patrick Hunter, the Board discussed the budget problems facing the San Diego Police Department and communicated its concerns to the City Manager.
- Several Members enrolled in the Community Awareness Academy presented by the San Diego Police Department in order to increase their knowledge of Department operations and policies.

- The Board decided to meet permanently at the downtown World Trade Center in order to facilitate the public's ability to access it's monthly, public meetings.
- Accepted a report from the Executive Director on his presentation before the United States Commission on Civil Rights.
- Requested a special training session from the City's Diversity Commitment Team.
- Heard comments from the president of the Police Officers Association regarding the Department's revised disciplinary process.
- Accepted a 12 month training plan and schedule from the Training Committee.
- Accepted a report from the San Diego Mediation Center on the status and success of the San Diego Police Department's program for mediating category 2 complaints.
- Conducted a Board Training Retreat in October to discuss issues and concerns of the Members.
- Requested a re-design of the computerized report format in order to more accurately and quickly include basic identifying data in their reports.
- Received a report from 1<sup>st</sup> Vice Chair Patrick Hunter on a presentation he made to members of City Government in Springfield, Illinois regarding the work and formation of a Civilian Oversight Panel.
- Received a report from the Executive Director on presentations made to Government and police officials and community members from Korea, India, and Congo, as well as several Eastern European Countries arranged by the International Visitors Council.
- Accepted a final draft of the proposed new reporting format prepared by Internal Affairs staff and Board Member Loren Vinson.

The Board also made requests and received responses from the San Diego Police Department on the following policy issues:

- The Board received a report on the Department's employment of Proactive Policing Procedures in dealing with issues of community disorder.

## **NATIONAL AND INTERNATIONAL ASSOCIATIONS FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT**

The Board maintains memberships in both the International Association for Civilian Oversight of Law Enforcement (IACOLE) and the National Association for Civilian Oversight of Law Enforcement (NACOLE). These organizations provide information and support for member agencies in this country and around the world. The annual conferences of these organizations provide opportunities for learning and networking to our Board Members and Staff.

The annual conference of NACOLE was held in Cambridge in October. Board Chair Joe DeNigro attended along with Lt. Walt Vasquez from Internal Affairs.

## **POLICY CHANGES**

Since the inception of the Review Board a number of positive changes have been implemented by the Police Department as a result of input and recommendations by the Board. Since 1990 these changes have included:

- Chief Bob Burgreen modified Department procedures to empower the Board to review and comment on all police-involved shootings.
- As a result of the Board's first annual report, an office was opened at the City Administration Building for the reception of citizen complaints. The office was publicized to promote community awareness that complaints could be filed in a location away from the Police Department. In addition, the Board has trained 23 community-based agencies to receive citizen complaints in order to make the complaint process as simple and accessible as possible to the public.
- In the same report, questions were raised about the use of flashlights as impact weapons and the possibility of purchasing smaller, less cumbersome flashlights. The Department re-examined the lights and responded with refresher training, but the lights were determined to be appropriate.
- The Board, believing that officers' complaint histories should, in some cases, be reviewed, asked to have prior, similar, "Not Sustained" findings made available to Review Teams after they review the current case.
- At the request of the Board, information regarding prior discipline of an officer is provided to the Review Team when the current complaint contains "Sustained" findings.

Additionally, if the current complaint contained "Not Sustained" findings, the Board asked to be able to see prior similar "Not Sustained" cases and, if deemed necessary, have the prior case(s) reopened.

- At the Board's request, a system for "flagging" cases which it feels to be particularly serious was implemented in order to assure appropriate action on the part of the Department.
- The Board requested more thorough documentation by Internal Affairs Investigators of their efforts to contact citizens in "Complainant Non-Cooperative" cases. The investigators are instructed to ensure that every possible means is used to try to locate the complainant with appropriate documentation placed in the file to support that effort, including use of certified mail and visits to residences.
- At the request of the Board, Internal Affairs investigators now receive additional training on interviewing subject personnel.
- At the request of the Board, Internal Affairs investigators attend a Board meeting in order to familiarize themselves with the Board and the review process.
- At the recommendation of the Board, the Chief of Police rescinded the policy of allowing off-duty officers to work as security guards. This was later compromised by a Police Officers Association lawsuit - now off-duty work is permitted under limited conditions.
- At the recommendation of the Board, the Department issued new guidelines for the handling of evidence seized from citizens.
- Numerous informal, in-office procedures have been established to provide Review Team Members with access to investigators for questions pertinent to their review of cases.
- The Board recommended direct, but not leading, questions be asked during interviews with officers. The resulting changes created higher quality and more complete interrogations where the "hard questions" were always asked.
- The ongoing, high level of concurrence between the Board and Internal Affairs findings is an affirmation of the quality and integrity of the self-examination process. It has increased the public confidence in the complaint reception and investigation process.
- As a result of the case review process, Department procedures and policies are constantly being monitored and evaluated. Changes in Pursuit, Prisoner Restraint, Officer Off-duty/On-duty Responsibility, Money Handling and Use of Force policies are just a few of the policies which have been positively impacted as a result of Board input.
- Findings and requests by the Board have a direct influence upon formal and

informal training provided to police officers.

- The Review Board's ride-along program has increased awareness at the field level of the Board. These interactions provide both Board Members and officers with the opportunity to learn more about each other's tasks and responsibilities.
- The Review Board requested that Complainant Non-Cooperative cases be investigated as thoroughly as possible even if the original complainant refused to be interviewed. This has been implemented and conclusions are being reached in many cases.
- Annual Report Statistics are now compiled by the Board rather than by the Complaint Enhancement Detective who formerly kept such records.
- The Police Shooting Review Board did not have any civilian membership. As a result of a recommendation by the Citizens' Review Board on Police Practices, a community volunteer was selected to sit on the Shooting Board to hear shooting cases. The practice is no longer followed, however, as police shooting cases are now evaluated by the Review Board itself.
- A "False Complaint" disposition was initiated by the Police Department. The Review Board had concerns that this finding would have a "chilling effect" on the reporting of complaints by citizens. Internal Affairs consulted with the Police Officers' Association and the disposition was eliminated.
- The Board recommended that Statistical Reports maintained and/or generated regarding complaints and dispositions be made public. The Department cleared the legal hurdles and implemented the request.
- Public Forum meetings were recommended by the Board. The first were held at police facilities, then moved to neutral sites to encourage public attendance and input.
- At the request of the Board, "Misconduct Noted" and "Discrepancy Noted" findings have been clarified and definitions are included in Department Policies.

Misconduct Noted. The investigation evidenced Category 1 violation(s) of Department Policies/Procedures not alleged in the complaint.

Discrepancy Noted. The investigation evidenced Category II violation(s) of Department Policies/Procedures not alleged in the complaint.

- At the recommendation of the Board, complainants are now allowed to have an uninvolved support person present during Internal Affairs interviews.



- Citizens' Review Board on Police Practices' background and review procedures have been included in the Department Policies.
- At the recommendation of the Board, new procedures have been established for searching wallets and purses which require a witness.
- At the recommendation of the Board, conclusion letters sent to complainants now include more detail about the specific allegations and definitions of conclusions.
- At the recommendation of the Board, CRB pamphlets are now sent to complainants with the initial information letter from Internal Affairs.
- At the request of the Board, Internal Affairs personnel insure that Department Procedures and the Penal Code are available at all Board meetings.
- At the request of the Board, the entire homicide investigation is brought to the Board meeting at which a fatal shooting case is reviewed.
- At the recommendation of the Board, Chief Jerry Sanders has extended the Boards authority to include review of all fatalities which occur during police contact.
- In November of 1997, based on discussion and negotiation of issues and concerns raised by the Board, the Police Department instituted several policy changes.
  - Slurs have been changed from Category II to Category I complaints.
  - A box for complainants to check if they require an interpreter has been added to the Citizen's Complaint Form.
  - A computer tracking system has been established by Internal Affairs to automatically report out any officer with three or more Category I complaints in a twelve month period. The Department's review and evaluation of the officer, including resulting action by the Department, will be reported to the Board annually for its comment and recommendations.
  - A computer tracking system has been established by Internal Affairs to automatically report out any officer involved in two or more shootings in a twelve month period. The Department's review and evaluation of the officer, including resulting action by the Department, will be reported to the Board annually for its comment and recommendations.
  - A summary report of all Category II Complaints and actions taken by the Department to address the issues raised by these complaints will be made annually to the Board.
- Internal Affairs now includes the following statement in its letter of findings to

complainants: "Additionally, your complaint has been reviewed by the Citizens' Review Board on Police Practices."

- In a 1998 review of the Use of Force Policy, the Department, at the recommendation of the Board modified the use of Oleoresin Capsicum (OC) spray as follows: OC shall not be used on a person who is completely restrained in a safety control chair at any police facility.
- Disagreements between Internal Affairs findings and Review Team evaluations may now be discussed between Internal Affairs command and investigators and Review Team Members. In some cases findings may be modified in order to resolve the disagreements.
- Internal Affairs changed their procedures regarding letters of findings sent to complainants. Final letters are no longer sent to complainants until the Review Board has completed its review.
- The Department agreed to provide information regarding prior officer involvement in shootings and in-custody deaths to Review Teams at the conclusion of their case evaluation in the same manner as that information is provided about prior "Not Sustained" complaints.
- The City Manager has established a policy for releasing all Citizens' Review Board Police-Involved Shooting Reviews to the public. This policy is being challenged by the Police Officers Association and is currently being considered by the Court of Appeal of California.
- The Case Reporting Form has been modified to include a space for indicating changes to Internal Affairs Findings based on input and discussion with Review Teams.
- At the urging of the Board the Police Department has made changes to Department Procedure 1.14 (Accidents) in order to conform to City of San Diego Policy.
- In order to facilitate the Board's responsibility to "Review and comment on the administration of discipline" the Police Department will now inform Review Team Leaders about discipline imposed and relevant background information prior to Board Meetings. Review Team Leaders will re-review the case, report the discipline and recommend agreement or disagreement with comment to the full Board.
- At the urging of the Board, tapes of all homicide investigation interviews in officer involved shooting cases will be provided to review team members at their request.
- The Internal Affairs Liaison of the Board will now make monthly, rather than yearly, reports to the Board on the Department's Early Warning system.
- In order to accommodate the schedules of the members, Internal Affairs has agreed to staff its offices on one Saturday each month for Case Review and Evaluation.

## STATISTICAL ANALYSIS

Between January 1 and December 31, 2002, the Review Board evaluated and issued findings on a total of 136 separate complaints including 180 Category I allegations and 154 Category II allegations. This compared to 133 complaints considered during the same period last year which included 290 Category I allegations and 313 Category II allegations. Thus, the number of citizen complaints of police misconduct was almost the same during the same period last year.

In addition to these allegations and findings, there were two (2) cases of Complainants Non-Cooperative (CNC) for Category I complaints and six (6) CNC cases for Category II complaints compared to zero (0) and zero (0) respectively for the same period last year.

To the extent that comments on individual cases indicated trends, the Board expressed the following:

- Use of force, especially deadly force, must be strictly within the Use of Force Policy and that policy as well as its application should be regularly evaluated. Training in non-lethal force options should be increased both in the academy and in-service training.
- The Board spent considerable time in reviewing the training officers receive in dealing with mentally ill persons.
- The Board recommended changes and strict adherence by all officers to the policies and procedures for impounding property, especially money.

The following disciplinary actions were taken against officers as a result of "Sustained" complaints evaluated by the Review Board between January 1 and December 31, 2002:

<input type="checkbox"/>		Two (2) suspensions	<input type="checkbox"/>
		Eight (8) verbal warnings	
<input type="checkbox"/>	Nine (9) reprimands	<input type="checkbox"/>	Zero (0) termination
<input type="checkbox"/>		Seven (7) written warnings	<input type="checkbox"/>
		resignations	Zero (0)
<input type="checkbox"/>	Three (3) notes of counseling		

Important Notice: These totals are not complete as Internal Affairs has not completed all disciplinary actions against officers for the 2002 calendar year.

## POLICE-INVOLVED SHOOTING CASES

Proposition "G" provided that the City Manager shall establish rules and regulations for the Review Board as may be necessary to review and evaluate citizens' complaints against members of the San Diego Police Department. Given the significant public impact of police shootings, the Review Board felt it was appropriate to review all shooting cases whether or not complaints were filed. On recommendation of the Review Board, the City Manager and Chief of Police agreed to establish a procedure for reviewing shooting incidents involving death or injury, whether or not a complaint had been filed. Such review occurs after all internal and external investigations have

been completed and reviewed by the Police Department and the District Attorney.

Between January 1 and December 31, 2002 there was a total of twelve (12) police-involved shooting cases investigated by Internal Affairs and evaluated by the Review Board with the following results:

### POLICE-INVOLVED SHOOTING STATISTICS

	Within Policy	Not Within Policy	Total
Internal Affairs Findings	10	2	12

Review Board Findings	Within Policy	Not Within Policy	Total
Agree with no Comment	10	2	12
Agree with Comment	0	0	0
Disagree with Comment	0	0	0
TOTALS	10	2	12

### STATISTICAL BREAKDOWN OF COMPLAINT CASES REVIEWED IN 2002

136 TOTAL COMPLAINT CASES REVIEWED  
180 CATEGORY I ALLEGATIONS

CATEGORY I ALLEG'S	I.A. Findings	Board Findings	I.A. Findings	Board Findings
RCE	1 Sustained	1 Agree/No Comment 0 Agree/Comment 0 Disagree/Comment	31 Exonerated	29 Agree/No Comment 1 Agree/Comment 1 Disagree/Comment
	7 Not Sustained	6 Agree/No Comment 1 Agree/Comment 0 Disagree/Comment	47 Unfounded	47 Agree/No Comment 0 Agree/Comment 0 Disagree/Comment
	2 CNC	2 Agree/No Comment		
REST	0 Sustained	0 Agree/No Comment 0 Agree/Comment 0 Disagree/Comment	15 Exonerated	15 Agree/No Comment 0 Agree/Comment 0 Disagree/Comment
	1 Not Sustained	1 Agree/No Comment 0 Agree/Comment 0 Disagree/Comment	23 Unfounded	23 Agree/No Comment 0 Agree/Comment 0 Disagree/Comment

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<b>DISCRIMINATION</b>	0 Sustained	0 Agree/No Comment	0 Exonerated	0 Agree/No Comment
		0 Agree/Comment		0 Agree/Comment
		0 Disagree/Comment		0 Disagree/Comment
	1 Not Sustained	1 Agree/No Comment	23 Unfounded	23 Agree/No Comment
	0 Agree/Comment		0 Agree/Comment	
	0 Disagree/Comment		0 Disagree/Comment	

<b>OBSTRUCTION</b>	0 Sustained	0 Agree/No Comment	0 Exonerated	0 Agree/No Comment
		0 Agree/Comment		0 Agree/Comment
		0 Disagree/Comment		0 Disagree/Comment
	1 Not Sustained	1 Agree/No Comment	3 Unfounded	3 Agree/No Comment
	0 Agree/Comment		0 Agree/Comment	
	0 Disagree/Comment		0 Disagree/Comment	

<b>MINIMAL INDUCT</b>	0 Sustained	0 Agree/No Comment	0 Exonerated	0 Agree/No Comment
		0 Agree/Comment		0 Agree/Comment
		0 Disagree/Comment		0 Disagree/Comment
	6 Not Sustained	3 Agree/No Comment	19 Unfounded	18 Agree/No Comment
	3 Agree/Comment		1 Agree/Comment	
	0 Disagree/Comment		0 Disagree/Comment	

**STATISTICAL BREAKDOWN OF COMPLAINT CASES REVIEWED IN 2002**

**154 CATEGORY II ALLEGATIONS**

<b>CATEGORY II ALLEG'S</b>	<b>I.A. Findings</b>	<b>Board Findings</b>	<b>I.A. Findings</b>	<b>Board Findings</b>
<b>PROCEDURE</b>	3 Sustained	3 Agree/No Comment	36 Exonerated	35 Agree/No Comment
		0 Agree/Comment		1 Agree/Comment
		0 Disagree/Comment		0 Disagree/Comment
	6 Not Sustained	6 Agree/No Comment	42 Unfounded	41 Agree/No Comment
		0 Agree/Comment		1 Agree/Comment
		0 Disagree/Comment		0 Disagree/Comment
<b>2 CNC</b>	<b>2 Agree/No Comment</b>			

<b>IMPERTESY</b>	1 Sustained	1 Agree/No Comment	0 Exonerated	0 Agree/No Comment
		0 Agree/Comment		0 Agree/Comment
		0 Disagree/Comment		0 Disagree/Comment
	5 Not Sustained	5 Agree/No Comment	27 Unfounded	27 Agree/No Comment
		0 Agree/Comment		0 Agree/Comment
		0 Disagree/Comment		0 Disagree/Comment

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<b>3 CNC</b>		<b>3 Agree/No Comment</b>	
<b>INDUCT</b>	1 Sustained	1 Agree/No Comment	6 Exonerated
		0 Agree/Comment	6 Agree/No Comment
		0 Disagree/Comment	0 Agree/Comment
			0 Disagree/Comment
	5 Not Sustained	5 Agree/No Comment	14 Unfounded
		0 Agree/Comment	13 Agree/No Comment
		0 Disagree/Comment	1 Agree/Comment
			0 Disagree/Comment
	<b>1 CNC</b>	<b>1 Agree/No Comment</b>	
<b>VICE</b>	0 Sustained	0 Agree/No Comment	2 Exonerated
		0 Agree/Comment	2 Agree/No Comment
		0 Disagree/Comment	0 Agree/Comment
			0 Disagree/Comment
	0 Not Sustained	0 Agree/No Comment	0 Unfounded
		0 Agree/Comment	0 Agree/No Comment
		0 Disagree/Comment	0 Agree/Comment
			0 Disagree/Comment

**STATISTICAL BREAKDOWN OF COMPLAINT CASES REVIEWED IN 2002**

**2 IN-CUSTODY DEATH**  
**0 POLICE INCIDENTS INVOLVING DEATH**  
**10 OTHER FINDINGS**

<b>DEATHS</b>	<b>I.A. Findings</b>	<b>Board Findings</b>	<b>I.A. Findings</b>	<b>Board Findings</b>
2 IN-CUSTODY DEATH	2 Within Policy	2 Agree/No Comment	0 Not Within Policy	0 Agree/No Comment
		0 Agree/Comment		0 Agree/Comment
		0 Disagree/Comment		0 Disagree/Comment

<b>DEATHS</b>	<b>I.A. Findings</b>	<b>Board Findings</b>	<b>I.A. Findings</b>	<b>Board Findings</b>
0 POLICE INCIDENTS INVOLVING DEATH	0 Within Policy	0 Agree/No Comment	0 Not Within Policy	0 Agree/No Comment
		0 Agree/Comment		0 Agree/Comment
		0 Disagree/Comment		0 Disagree/Comment

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**OTHER FINDING** - The investigation evidenced violation(s) of Department policies/procedures not alleged in the complaint.  
**10 OTHER FINDINGS**

## **INTERNAL AFFAIRS DISPOSITIONS ON CATEGORY I COMPLAINTS**

ALLEGATION	SUSTAINED	NOT SUSTAINED	EXONERATED	UNFOUNDED	CNC	TOTALS
Force	1	7	31	47	2	88
Arrest	0	1	15	23	0	39
Discrimination	0	1	0	23	0	24
Slurs	0	1	0	3	0	4
Criminal Conduct	0	6	0	19	0	25
<b>TOTALS</b>	<b>1</b>	<b>16</b>	<b>46</b>	<b>115</b>	<b>2</b>	<b>180</b>

### **Definitions:**

- Sustained: the investigation produced sufficient evidence to find that the officer(s) did commit the alleged act(s) of misconduct.
- Not Sustained: the investigation failed to produced sufficient evidence to find that the officer(s) did or did not commit the alleged act(s) of misconduct.
- Unfounded: the investigation produced sufficient evidence to find that the officer(s) did not commit the alleged act(s) of misconduct.
- Exonerated: the investigation produced sufficient evidence to find that the alleged act(s) occurred but was/were justified legal and/or properly within Department policy.
- CNC: Internal Affairs attempted but could not make contact with the complainant in order to conduct



a proper investigation; complainant is unwilling to cooperate with investigation; or complainant withdraws complaint.

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## **CITIZENS' REVIEW BOARD FINDINGS ON CATEGORY I COMPLAINTS**

FINDINGS	SUSTAINED	NOT SUSTAINED	EXONERATED	UNFOUNDED	CNC	TOTALS
Agree/No Comment	1	12	44	114	2	173
Agree/Comment	0	4	1	1	0	6
Disagree/Comment	0	0	1	0	0	1
<b>TOTALS</b>	<b>1</b>	<b>16</b>	<b>46</b>	<b>115</b>	<b>2</b>	<b>180</b>

### **Definitions:**

Agree/No Comment: the Board agreed with the Internal Affairs Division's findings with no comment.

Agree/Comment: the Board agreed with the Internal Affairs Division's findings with comment.

Disagree/Comment: the Board disagreed with the Internal Affairs Division's findings with comment.

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## TOTAL BOARD AGREEMENTS WITH INTERNAL AFFAIRS BY COMPLAINT CATEGORY

ALLEGATIONS	<b>2002</b>			<b>2001</b>			<b>2000</b>			<b>1999</b>			<b>1998</b>			<b>1997</b>		
	Alleg's	Sustained	Board agree w/all IA Findings	Alleg's	Sustained	Board agree w/all IA Findings	Alleg's	Sustained	Board agree w/all IA Findings	Alleg's	Sustained	Board agree w/all IA Findings	Alleg's	Sustained	Board agree w/all IA Findings	Alleg's	Sustained	Board agree w/all IA Findings
<b>Force</b>	88	1	87 (98%)	161	4	161 (100%)	148	5	147 (99%)	188	2	188 (100%)	162	5	158 (97.5%)	143	15	137 (95.8%)
<b>Arrest</b>	39	0	39 (100%)	47	4	47 (100%)	53	0	53 (100%)	67	2	65 (97%)	44	2	44 (100%)	41	5	41 (100%)
<b>Discrimination</b>	24	0	24 (100%)	24	0	24 (100%)	25	0	24 (96%)	23	0	23 (100%)	10	0	10 (100%)	29	0	29 (100%)
<b>Slurs</b>	4	0	4 (100%)	6	0	5 (83%)	19	5	19 (100%)	45	2	45 (100%)	10	0	10 (100%)			
<b>Criminal Conduct</b>	25	0	25 (100%)	52	2	52 (100%)	29	0	29 (100%)	14	3	14 (100%)	32	0	32 (100%)	41	3	41 (100%)
<b>TOTALS</b>	180	1	179 (99.4%)	290	10	289 (99.6%)	274	10	272 (99.2%)	337	9	335 (99.4%)	258	7	254 (98.4%)	254	23	248 (97.6%)

